

IN THE

SEPH F. SPANIOL, JR.
CLERK

Supreme Court of the United States

October Term, 1985

COMMONWEALTH OF PENNSYLVANIA,

Petitioner,

vs.

GEORGE F. RITCHIE,

Respondent.

ON WRIT OF CERTIORARI TO THE SUPREME COURT
OF PENNSYLVANIA.

JOINT APPENDIX

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PETITION FOR CERTIORARI FILED FEBRUARY 10, 1986
CERTIORARI GRANTED MAY 27, 1986

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APPENDIX A

**Opinion of the Supreme Court of Pennsylvania,
Western District**

The Opinion of the Supreme Court of Pennsylvania
appears at pages 1a-34a of the Petition for Certiorari.

APPENDIX B

Opinion of the Superior Court of Pennsylvania

The Opinion of the Superior Court of Pennsylvania
appears at pages 35a-47a of the Petition for Certiorari.

APPENDIX C

Judgment Dated December 11, 1985

Judgment Order of the Supreme Court of Pennsylvania
appears at page 48a of the Petition for Certiorari.

APPENDIX D

Order Dated February 3, 1984

Judgment Order of the Superior Court of Pennsylvania
appears at page 49a of the Petition for Certiorari.

APPENDIX E**Order of Court Denying Motions**

IN THE COURT OF COMMON PLEAS
OF ALLEGHENY COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA,

vs.

GEORGE F. RITCHIE.

CC 790-3887.

ORDER OF COURT
RE
MOTIONS FOR ARREST OF JUDGMENT
AND NEW TRIAL

AND NOW, to-wit, this 1st day of December 1980, George F. Ritchie, the above named defendant, having filed through his attorney "Motions for Arrest of Judgment and New Trial", after arguments, a review of the record and in consideration thereof, IT IS ORDERED that the said Motions be and are hereby denied.

BY THE COURT:

HENRY R. SMITH, J.

Filed Clerk of Courts DEC 1 1980

APPENDIX F**Motions for Arrest of Judgement and New Trial**

IN THE COURT OF COMMON PLEAS
OF ALLEGHENY COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA,

vs.

GEORGE F. RITCHIE.

No. CC 79 03887.

1. Defendant was tried before Honorable Judge Henry Smith, and convicted of each of the four counts set forth in the information, i.e. rape, deviate sexual intercourse, incest, and corruption of moral of a minor, by verdict of jury on Tuesday, November 13, 1979.
2. The prosecution was represented by Attorney Truitt and defendant was represented by Attorney Joseph A. Steedle.
3. The verdict is contrary to the evidence.
4. The verdict is contrary to the weight of the evidence.
5. The verdict is contrary to the law.
6. The prosecution permitted testimony by certain witnesses, knowing such testimony was false or misleading to the prejudice of the defendant, as to periods of custody of the alleged victim.

*Appendix F—Motions for Arrest of Judgment and
New Trial.*

7. The prosecution refused to furnish defendant any dates or places the alleged offenses occurred, other than June 11, 1979 and such refusal was sustained by Judge Popovich, on pretrial motions.

8. The prosecution and Court refused to permit requested examinations of the files of Child Welfare Services pertaining to the alleged victim, particular as to the investigation and physical examination of the alleged victim in September, 1978 and thereafter.

9. The Court refused the admission of certain papers found in the room of the alleged victim, which tended to show the freedom of communication with persons outside the household and the alleged victim.

10. The Defendant was convicted of incest based on incompetent and irrelevant testimony contrary to the alleged victim's birth certificate, all of which was prejudicial to the defendant on each of the counts.

11. The defendant reserves the right to file additional and supplemental reasons for a new trial ten days after the notes of testimony taken at the trial have been transcribed and a copy thereof made available to counsel for defendant.

Respectfully submitted,

JOSEPH A. STEEDLE
Joseph A. Steedle
Attorney for Defendant

APPENDIX G

**Excerpts from Notes of Testimony Dated
November 7, 1979
(Trial—pp. 17-94, 107-127)**

* * *

[17] JEANETTE BILLS RITCHIE, being first duly sworn, testified as follows:

DIRECT EXAMINATION

By the Commonwealth:

Q. Jeanette, I want you to talk loud enough so everyone can hear you. All right? A. Yes.

Q. Tell us your full name? A. Jeanette Bills.

Q. How do you spell your last name? A. B-i-l-s.

Q. Where have you been living for, say, for most of this year, up until June of this year? Where were you living? A. Stowe Rocks.

Q. Do you remember the address? A. 13 East McKees Rocks Terrace.

Q. Who were you living there with? A. My dad and my two brothers.

Q. What is your brothers' names? A. Ritchie and James.

Q. How old are both of them? [18] A. Ritchie is eight and James is four.

Q. Was your mother living there at that time? A. No.

Q. Just you and your two brothers and your father? A. Yes.

Q. Who is your father? A. George Ritchie.

Mr. Steedle: I object to that, Your Honor.

The Court: The objection is overruled.

Mr. Steedle: I don't think the—

The Court: The objection is overruled. We'll not argue about it.

*Appendix G—Excerpts from Notes of Testimony,
Dated November 7, 1979.*

By the Commonwealth:

Q. Who is your father? A. George Ritchie.
 Q. Is he here today? A. Yes.
 Q. Point him out. A. Right over there behind his lawyer.
 Q. The man in the brown jacket? A. Yes.
 Q. He's the man you had been living with in that house with the two brothers, Ritchie and James? [19] A. Yes, Ritchie and Jamsie.
 Q. How long did you live there in that house in McKees Rocks? A. About a year and a half, or half a year maybe—about that.
 Q. Where did you live before that? A. Over on the North Side.
 Q. Do you know what address? A. 212 Jacksonia.
 Q. North Side of Pittsburgh? A. Yes.
 Q. While you were living there in McKees Rocks, did you go to school? A. Yes.
 Q. Where were you going to school? A. Stowe Rocks Junior High.
 Q. What grade were you in? A. Seventh.
 Q. What grade are you in right now? A. Seven.
 Q. You are repeating the seventh grade? A. Yes.
 Q. Do you still live in the same area in McKees Rocks now? A. Yes.
 [20] Q. Where do you now live? A. Sheridan.
 Q. Who did you live with on the North Side before you moved to McKees Rocks? A. My father and two brothers.
 Q. The same people as you were living with in McKees Rocks? A. Yes.
 Q. Do you know how long you lived at that address? A. Two years.

*Appendix G—Excerpts from Notes of Testimony,
Dated November 7, 1979.*

Q. Maybe you can tell us what grade you were in, what grade you were in when you moved from the North Side to McKees Rocks? A. I was in the sixth grade. And then I just started in the seventh grade when I moved.
 Q. You moved right in the beginning of the seventh grade? A. No, about a couple of months, about three months I would say.
 Q. About three months? A. Yes.
 Q. After you started or before you started seventh grade? A. After.
 Q. After? [21] A. Yes.
 Q. All right. Do you know what grade you were in when you moved to this address on the North Side, Jacksonia? A. Fifth grade.
 Q. Where were you before that? A. Before?
 Q. Before the— A. What was that?
 Q. Before you were on Jacksonia Street. A. I was on the North Side and I was one street down from Jacksonia.
 Q. Where is that? What street is that? A. Samsonia.
 Q. You lived on two streets then on the North Side? A. Yes.
 Q. Is that correct? A. Yes.
 Q. When did you first move to the North Side on that street, Samsonia? What grade were you in? If you remember. A. I don't.
 Q. So you lived on Jacksonia and then you lived one street down from there on Samsonia? A. Yes.
 [22] Q. Were you always living with your father and two brothers or was there someone else living there with you on the North Side? A. My mom came to visit. First she was living with us for a while. And then she moved out. And then she came and visited us sometimes.

*Appendix G—Excerpts from Notes of Testimony,
Dated November 7, 1979.*

Q. Do you remember how long it was that your mother moved out? Do you remember how long ago? Can you tell us about what grade you were in then? A. About sixth grade.

Q. About sixth grade? A. Yes.

Q. Are you sure about that or are you guessing? A. No.

Q. You are not sure? A. Sixth or fifth.

Q. All right. Your mother lived with you before that, before she moved out? A. Yes.

Q. Who lived there at the time that your mother lived there? Was your father also there? A. Yes.

Q. How about your brothers? A. Yes.

Q. Anybody else? [23] A. No.

Q. Jeanette, I want you to think about the date of June 11th of this year, sometime before you talked to the police. Do you remember the date of June 11th, Jeanette? A. Yes.

Q. You do remember? A. Yes.

Q. Why do you remember June 11th? What happened on that date? A. I was watching this story called the Little House on the Prairie.

Q. Is that a TV program? A. Yes, on Channel 11.

Q. You were watching Little House on the Prairie? A. Yes.

Q. What time did that show come on? A. It comes on at eight.

Q. What time does it end? A. At nine.

Q. How do you know that was June 11th? A. Because that was the first time in that month that I watched it.

Q. Do you know what day you talked to the police, the first time? [24] A. The 23rd of June.

*Appendix G—Excerpts from Notes of Testimony,
Dated November 7, 1979.*

Q. All right. Do you remember what happened on June 11th after you watched the Little House on the Prairie? A. Yes.

Q. I would like for you to tell us, and to tell the ladies and gentlemen of the jury, what happened that day? Tell us what happened after the show went off? A. I was watching Little House on the Prairie. And then my father was upstairs. And then he came down as soon as it was over.

Q. What was he doing upstairs? A. He was hollering at my brothers or something, like that, you know, hollering at them. And he came downstairs. And he says, "I want you to do me a favor." And I said, "What is the favor?" And he said, "I want you to suck my penis." And I said, "Do I have to?" And he said, "Yes," or else."

Q. Did he use those exact words? Is that what he said? A. Yes.

Q. Or did he use some other words? A. What do you mean?

[25] Q. Jeanette, I want you to tell me the exact words that he used, if you remember. A. All right.

Q. What did he say when he came downstairs? A. I can't remember.

Q. He asked you to suck his penis? Is that right? A. Yes.

Q. Now, is that the word that he used? A. No.

Q. What word did he use? A. He used Dick.

Q. Are you sure he said that? A. Yes.

Q. Do you know what he meant when he said that? A. Yes.

Q. How did you know that that is what he meant? at that time? A. Because he said it a lot of times before.

*Appendix G—Excerpts from Notes of Testimony,
Dated November 7, 1979.*

Q. When he said that to you on June 11th, did you do it? A. Yes, or else he would have hit me or something.

Q. Did he ever hit you before? A. Yes, a few times before.

Q. Where did he hit you before? Well, first, why did he hit you? [26] A. Because I didn't do what he told me to do. I ignored him and I didn't do what he told me to do.

Q. Tell us how it happened when he came downstairs. What was the first thing you did after he said that to you? A. He made me take off all my clothes.

Q. He made you take off all of your clothes? A. Yes.

Q. And what were you wearing that night? A. I can't remember.

Q. Do you remember what kind of clothes he had on? A. I know he had pants on. But I can't remember what else.

Q. Did you have pants on? A. I think I had a pair of old blue jeans on.

Q. Do you remember anything else you had on? A. Some kind of a blouse.

Q. All right. When he told you to take off your clothes, what did you do? A. I didn't do it.

Q. All right. A. And then he took off my clothes.

Q. He took them off? A. Yes.

[27] Q. How did he do that? A. He just grabbed me. And he started, you know, taking off my clothes.

Q. Were you fighting with him? A. I was struggling.

Q. Did he have to struggle to take off your clothes? A. Kind of.

Q. Did he end up taking your clothes off? A. Yes.

Q. What happened after that? A. He made me suck his penis.

*Appendix G—Excerpts from Notes of Testimony,
Dated November 7, 1979.*

Q. All right. When, Jeanette, when did you learn the word "penis"? Who told you about that? When did you learn that word? A. Officer Panko.

Q. That is one of the police officers you talked to? A. Yes.

Q. Do you know what a man's penis is? A. Yes.

Q. What did you call it before Officer Panko told you that it was called a penis? A. Well, I called it a dingdong.

Q. Before you talked to the police, did you know what the area between your legs was called? [28] Do you know what that was called? A. Yes.

Q. What is it called? A. My peewee.

Q. Is that what you called it? A. Yes, my peewee.

Q. Did any of the police tell you what that should be called? A. Yes.

Q. What is it supposed to be called? A. Vagina.

Q. Do you understand what that is now? A. Yes.

Q. Now, how did he make you suck his penis? Tell us exactly what he did so we understand how this happened. A. Well, he pushed me down on the floor. He pushed it into my mouth. And he was forcing me to. And I was trying for him not to but he was forcing me, you know.

Q. Did anything else happen when he did that? A. No.

Q. Was the TV still on or was it turned off? A. No, he turned it off.

Q. Where was this happening? What room was this in? [29] A. Downstairs in the living room.

Q. Tell us a little bit about the house, Jeanette. When you walk in the front door, what is the first room you come to? Tell us what the first room you come to is? A. The living room.

*Appendix G—Excerpts from Notes of Testimony,
Dated November 7, 1979.*

Q. All right. Are there any other rooms on that first floor? A. The kitchen.

Q. Any other rooms? A. There is a pantry. I don't know if you count that as a room but there is a pantry.

Q. Is there a dining room on that floor? A. No.

Q. Where are the bedrooms in the house? A. Upstairs.

Q. How many bedrooms are there? A. Two.

Q. Who slept in those bedrooms? A. Me, and my little baby brother slept in one room and my big brother, Ritchie, slept in his room. And then, my dad changed the rooms around. He put my older brother in my room, with me, and my other brother.

Q. How old did you say, again, was your older [30] brother? A. Eight.

Q. Eight? A. Yes.

Q. And James is how old? A. Four.

Q. So the three of you then used the two bedrooms upstairs? A. Yes.

Q. Where did your father sleep? A. He slept downstairs. And then he got tired of sleeping downstairs on the couch. And so he went upstairs and laid on the bunk bed, one of those things you open up.

Q. What room was that in? A. My brother's old room, the smallest.

Q. That was not the same room you slept in? A. No.

Q. Where did he usually sleep, upstairs or downstairs? A. Downstairs.

Q. Your father would usually sleep downstairs? A. Yes.

Q. Where would he sleep when he slept downstairs? A. On the couch.

*Appendix G—Excerpts from Notes of Testimony,
Dated November 7, 1979.*

Q. That's in the living room? A. Yes.

Q. Where did this incident happen on June 11th? Where did it happen in the living room? A. On the floor.

Q. And you had all of your clothes off to do that? A. Yes.

Q. Did anything happen after he finished doing that, after he put his penis in your mouth? A. Yes.

Q. What happened? A. He asked me to do a favor. And I said, "It all depends on what it is." And he told me that he wants to stick his penis in my vagina.

Q. Did you know what was meant by that? A. Yes.

Q. And then what happened? A. I told him I wouldn't do it. And he said, "Do it or else."

Q. So what did you do? A. And so I didn't actually let him, you know.

Q. Tell us exactly what did happen? A. He tried but I was moving around, so he wouldn't.

Q. Did he have any of his clothes on then? A. No.

[32] Q. When did his clothes come off? A. When he took mine off, after he took mine off.

Q. Did he have any clothes on? A. No.

Q. Nothing at all? A. No.

Q. How about you? Did you have any clothes left on? A. No.

Q. Where were your clothes? A. I don't know.

Q. All right. What exactly did he do when you say he tried? What did he do? Tell us exactly what he did. Where were you, first of all. A. I was on the floor in the living room.

Q. Were you sitting on the floor or what? A. Laying.

Q. Laying on the floor? A. Yes.

Q. How were you laying on the floor? Were you face down or face up or what? A. What do you mean?

*Appendix G—Excerpts from Notes of Testimony,
Dated November 7, 1979.*

Q. Were you face down or was your back down? A. I was on my back.

Q. What did your father do? [33] A. He tried to stick his penis in my vagina.

Q. How did he do that? What did he do? A. He pushed himself on me.

Q. All right. A. He tried to push it into my vagina.

Q. Did he actually get on top of you? A. Yes.

Q. Was he facing you? A. Yes.

Q. Did you feel anything when he got on top of you? A. Yes.

Q. Tell us what you felt. A. His penis.

Q. Where did you feel that? A. My vagina.

Q. Did you feel any kind of pain at any time? A. Yes, a little bit.

Q. When did it hurt? A. A few times when he was pushing, when I was moving around.

Q. When he was pushing? A. Yes.

Q. Where was he pushing? A. When he was laying down. He was pushing his [34] penis and trying to push it into my vagina.

Q. That's when it hurt? A. Yes.

Q. What did you do when that was finished? A. Well, it was one o'clock. He told me to go to bed. So he says, "Go to bed and don't make any noise."

Q. Did he get upset when you wouldn't let him do that? A. Yes.

Q. What did he do? A. He just hollered at me. He said, "Do it or else."

Q. Did he hit you at all that night? A. No. But, see, I know what "do it or else means" because before if I didn't do what he told me, you know, he would hit me.

*Appendix G—Excerpts from Notes of Testimony,
Dated November 7, 1979.*

Q. So then you're saying that that happened before that night, before June 11th?

The Court: What happened? It's not clear.
Reask your question.

By the Commonwealth:

Q. Jeanette, did he do any of these things, make you suck his penis, or get on top of you at any time before that night? [35] A. Yes, about two weeks before.

Q. Do you know exactly what date that was? A. No.

Q. Where were you when that happened? A. When?

Q. The time before June 11. Do you know where it happened? A. At my house.

Q. Can you remember what happened that night? A. No.

Q. Did it happen at all before then? I'm talking about the same thing. A. Before?

Q. Before, when he said, "Do it or else," you said these things happened before and you knew what that meant, "Do it or else." A. Yes.

Q. How often did it happen before? A. About three or four times a week.

Q. Three or four times a week? A. Yes.

Q. How long has that been going on? A. Four about four years.

Q. Were these things happening when your mother still lived with you on the North Side? [36] A. No.

Q. This was after your mother lived with you then? A. Yes, that's right.

Q. It was after she had left? A. Yes.

Q. Do you remember how long afterwards? A. About a few months after.

*Appendix G—Excerpts from Notes of Testimony,
Dated November 7, 1979.*

Q. You don't know exactly when your mother moved away? A. No.

Q. Do you know what grade you were in when these things started happening? A. Five.

Q. Fifth grade? A. I think.

Q. Are you sure? A. No.

Q. You are not sure? A. No.

Q. Do you remember how it started? Do you remember the first time that he asked you to do anything like that? First, what did he ask you to do? A. Suck his penis.

Q. Is that the way he put it, or did he say it some other way? [37] A. Some other way.

Q. What was it? A. "Won't you suck my dick?"

Q. Is that the first thing he said to you? A. Yes.

Q. Do you know what he meant then? A. Not really.

Q. Well, how did he show you what he meant? A. Before, you know, he forced it into my mouth.

Q. Did he do anything else that day or soon afterwards? A. No.

Q. That was the only thing that he did at first? Is that right? A. Yes.

Q. Did he start doing it three or four times a week or did he wait a while at first? A. First he waited a little while.

Q. When you were living with your father then and this was happening on the North Side—or did this happen after you moved to McKees Rocks? A. North Side.

Q. It started on the North Side? A. Yes.

[38] Q. Is that right? A. Yes.

*Appendix G—Excerpts from Notes of Testimony,
Dated November 7, 1979.*

Q. Do you know what house you were in? Was it on Samsonia Street? A. It was on Samsonia.

Q. Then, you think that thing happened, these incidents, happened in all three houses? A. Yes.

Q. Would you tell us, as best as you can, Jeanette, what was your dad like when he would come home these nights and do these things. A. He was drunk.

Mr. Steedle: Objection.

The Court: Sustained as to the conclusion reached. Proceed.

Mr. Steedle: I'd like the jury to ignore that remark, Your Honor.

The Court: All right. The jury will ignore that remark. The objection is sustained. Proceed.

By the Commonwealth:

Q. Tell us how he was acting on those nights? A. He was staggering, mumbling to himself, talking to himself.

Q. Was he like that very often? [39] A. Yes.

Q. About how often was he like that? A. About four times a week.

Q. Did he ever do any of these things to you when he wasn't like this? A. No.

Q. How was he when he wasn't like that, Jeanette? A. He was a good father when he wasn't like that.

Q. Were you ever with him when he was drinking? A. Yes, a few times, yes.

Q. Where would that be? A. Sometimes he would be going to the Commonwealth Bar or to Becker's down in McKees Rocks or a few other bars.

Q. Did you go with him to those bars? A. Yes, sometimes.

*Appendix G—Excerpts from Notes of Testimony,
Dated November 7, 1979.*

Q. You did? A. Yes.

Q. Did your dad always make you take your clothes off or did you do it sometimes without your clothes off?
A. Sometimes without my clothes off.

Q. Did it ever happen any place outside of your house? A. No, never.

[40] Q. Never? A. No.

Q. Never happened in a car anywhere? A. No.

Q. Never happened in somebody else's house? A. No.

Q. Did you often go to anybody else's house? Did you visit relatives at all? A. Yes.

Q. You did? A. Yes.

Q. What kind of relatives? A. I visited his relatives a lot.

Q. Are they his brothers and sisters? A. Yes, and his mother.

Q. And his mother? A. Yes.

Q. Do you remember the last time that you were visiting any of his relatives? A. No.

Q. You don't remember when it was, the last time before June 11th when you say this incident happened? Do you remember when the last time was that you visited any relatives? A. No, I can't remember.

[41] Q. You say you talked to the police about this on June 23rd. Is that right? A. Yes.

Q. Why did you talk to the police on that date? A. Because somebody tried to help me out and they took me to the police station.

Q. Who took you to the police station? A. Some lady by the name of Betty.

Q. What is her last name? A. Daley.

Q. Is she related to you? A. Yes.

*Appendix G—Excerpts from Notes of Testimony,
Dated November 7, 1979.*

Q. How is she related to you? A. I think she is my dad's cousin.

Q. Do you know anybody else in her family? A. Yes.

Q. Do you know how she found out about this happening? A. Cherie told Chuckie and—

Mr. Steedle: Objection, Your Honor.

The Court: Sustained.

By the Commonwealth:

Q. Who is Cherie? A. Cherie is her daughter.

[42] Mr. Steedle: I wish that the answer be stricken.

The Court: The two questions, ladies and gentlemen of the jury, that were just asked and answered, please ignore them. The objection is sustained. Proceed.

By the Commonwealth:

Q. You mentioned a person by the name of Cherie? A. Yes. Cherie is my Aunt Betty's daughter.

Q. How old is Cherie? A. Sixteen.

Q. Do you remember the last time that you saw Cherie before you talked to the police? A. Yes.

Q. When was that? A. The 20th.

Q. The 20th of June? A. Yes.

Q. Where was it that you talked to Cherie? A. In a car, in her brother's car.

Q. Tell us where you were that day? You were in her brother's car? A. Yes.

Q. What is her brother's name? [43] A. Chuckie Daley.

Q. How old is he? A. In his twenties.

*Appendix G—Excerpts from Notes of Testimony,
Dated November 7, 1979.*

Q. Where was the car when you were in this car? A. He was on Helen Street in a lot beside the bridge, the ramp that goes towards Bellevue.

Q. All right. What were you doing in his car? A. Well, we was in a bar.

Q. In a bar? A. Yes, we was in a bar, and my dad and them, you know,—well, my dad and me and my brothers came out. And I seen my cousin's car. And so I said, "There's Chuckie's car and maybe he will give us a lift up to Washington". And so he asked him and Chuckie said that he had needed some gas.

Q. Slow down a little bit. A. All right.

Mr. Steedle: Objection. I object to any statement about other parties.

The Court: Don't indicate what he said to you and what the conversation was. Just answer the question.

The Witness: All right.

[44] By the Commonwealth:

Q. You were in a bar with whom? A. My father and my brothers.

Q. Your two little brothers? A. Yes.

Q. Is that right? A. Yes.

Q. Do you have any older brothers? A. No.

Q. All right. And you saw Chuckie outside? Is that right? A. Yes.

Q. Correct? A. Yes.

Q. What did you do when you saw the car outside? A. I told my father that I seen Chuckie in Cherie's car—in Chuckie's car. I said that I seen Cherie and Chuckie there.

*Appendix G—Excerpts from Notes of Testimony,
Dated November 7, 1979.*

Q. What were you going to do after you left that bar? A. I don't know.

Q. What did you do when you saw the car there? A. I told my dad, you know, I said, "There goes Chuckie and Cherie and maybe they'll give us a lift to Washington."

[45] Q. Why did you need a lift to Washington? A. We didn't need a lift. We was going to catch a bus.

Q. To Washington? A. Yes.

Q. You're talking about Washington, Pennsylvania? A. Washington, Pennsylvania.

Q. Why were you going to go to Washington? A. We was going to camp out.

Q. Who was going to camp out? A. Me and my father and my two brothers.

Q. Did any of you go over to Chuckie and ask for a lift? A. My dad did.

Q. Did you see him do that? A. Yes. I walked over with him, me and my brothers.

Q. What happened after he asked for a lift? A. Chuckie said that he needed some gas.

Q. All right. Then what happened? A. And then my dad gave him some money and he went up with Johnny, you know, he went up to get some gas.

Q. Johnny? A. Yes, Johnny Socha.

Q. All right. [46] A. He was inside the bar with us.

Q. Inside the bar? A. Yes.

Q. Who is he? A. He's a friend of my dad.

Q. Do you know how old he is? A. No.

Q. He is your age or around your dad's age? A. Around my dad's age.

Q. Older than you are? A. Yes.

Q. Who went to get the gas? A. Johnny and Chuckie went up to the Boron station.

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Q. Johnny and Chuckie went up? A. Yes.
 Q. Then what happened after that? Where did you go?
 A. I was sitting in the car with Cherie and my two brothers.
 Q. Anybody else in the car? A. Yes.
 Q. Who else? A. My father was in the front seat.
 Q. Your father was in the front seat? A. Yes.
 [47] Q. Where were your two brothers? A. They were in the back seat with me and Cherie.
 Q. Four of you in the back seat? A. Yes.
 Q. What happened while you were in the car? A. Cherie—well, he started mumbling about something.
 Q. Who is he? Who are you referring to? A. My father. My father started mumbling with, you know, some things and then—
 Q. Who was he talking to? A. Himself. And then he said, "Cherie, if you want to know something about sex, ask Jeanette, she knows all about it." And before that he said, "You're developing pretty good."
 Q. Who was he saying that to? A. Cherie.
 Q. Did you hear him say that? A. Yes.
 Q. What happened after he said those things to Cherie? A. And then my cousin, Chuckie, and Johnny, you know, started coming down from the Boron station. And then we just sat there. And then she started questioning me, Cherie.
 [48] Q. Cherie started questioning you? A. Yes.
 Q. What kind of questions did she ask you? A. She was wondering what he was talking about, like when he said that.
 Mr. Steedle: Objection. I object to any statement made by the girl.
 The Court: The objection is sustained. It will be sustained unless there's further groundwork.

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By the Commonwealth:

Q. Cherie started talking? A. Right.
 Q. She started talking to you? A. Right.
 Q. Is that correct? A. Yes.
 Q. Did she ask any questions? A. Yes.
 Q. What questions did she ask you?

Mr. Steedle: I object to that.

The Court: Who was in the car?

By the Commonwealth:

Q. Yes, who was in the car? Who was in the car that Cherie was talking to? [49] A. Me and my two brothers and my father.

Q. The same people that were there while Johnny and Chuckie went to get gas? A. Yes.

Q. Were Chuckie and Johnny back by the car then?
 A. No. They were coming down the ramp still.

Q. What was your dad doing while Cherie was asking you these questions? A. Mumbling to himself.

Q. Was he talking to you at all? A. No, not that I know of.

Q. Was Cherie talking to him? Or was she just talking to you? A. Just to me.

Q. How did she ask you these questions? A. She was thinking why he would say that—

Q. Don't tell us what she was thinking. A. All right.

Q. How did she ask you these questions? Did she just talk across in the car to you or what? A. I was sitting right beside her.

Q. What exactly did she do? A. She asked me if he was hitting me.

Mr. Steedle: Objection.

The Court: Overruled at this [50] point.

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By the Commonwealth:

Q. Tell us what she asked you? A. She started asking me if he was hitting me or anything. And I said, sometimes. And I asked her why she wanted to know and she said "Just because, I just wanted to know".

Q. Did she ask you anything else? A. Yes, she started questioning me as to, you know, what did he mean by "Jeanette knows", you know, all about sex. And I said, I don't know. And she says that something has to be up, you know. So I told her.

Q. What did you tell her? A. I told her that he was trying to bother me and trying to have sex with me.

Q. Did you explain to her the kind of things you are telling us today? A. Yes.

Q. Did you complain to her about that or were you just telling her? A. I was just telling her. I told her, you know, and she made me a promise that she wouldn't tell anybody.

Q. Why did she make you that promise? Who asked [51] her for that promise? A. Me.

Q. Why? A. I didn't want nobody to know. She was the first person I told.

Q. Why didn't you want anybody to know? A. I was afraid that if I would have told her, you know, she would have told somebody else and then they would tell my father and then if they told my father that then I would get into trouble.

Q. Had you told anybody else at all about this before you told Cherie? A. No—yes.

Q. Who was that? A. My mother and my grandmother.

Q. How long ago was that? A. I can't remember.

Q. Was that before or after the last time it happened? A. Before.

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Q. Before the last time it happened? A. Yes.

Q. Was it just recently or a long time ago? A. A long time.

[52] Q. What happened when you told your mother about that? A. She didn't believe me and my grandmother didn't believe me.

Q. What did you do then when they didn't believe you? A. I told them to just drop the subject and forget about it. And so they did.

Q. All right. Had you told anybody else? Had you told any of your father's relatives? A. No.

Q. Had you told any of your father's brothers or sisters? A. No.

Q. Have you told any of your other friends? A. No.

Q. Have you told anybody at school about it? A. Not at all.

A. How come you didn't tell anybody at school? A. I don't know.

Q. After you talked to Cherie on June 20th, did you go to the police yourself? A. No.

Q. Who took you to the police? A. Cherie Daley's mother.

[53] Q. Her mother? A. Yes.

Q. Did you want to go to the police that day? A. I didn't, you know, know where they were going. She said that we can get some hamburgers and stuff and she had just won \$500 at the bingo. And she asked my dad if we could go and he said yes.

Q. Did you know that you were going to the police that day? A. No.

Q. Did you ask anybody to take you to the police? A. No.

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Q. Whose idea was it to go to the police? A. My Aunt's.

Q. Mrs. Daley? A. Yes.

Q. What happened when you got to the police station? A. We started there talking, you know, and one of the Pankos helped us. He asked why we were there.

Q. Slow down a minute. Who are the Pankos? A. One of the Pankos helped us. They're police officers.

[54] Q. It was a police officer? A. Yes.

Q. Where are they police officers? Do you know? A. McKees Rocks.

Q. All right. What happened with them? A. They asked why we were there and Betty told them why we were there.

Q. All right. Did anybody talk to you? A. Yes.

Q. Who talked to you about it? A. Officer Panko and Paul Cooley (phonetic), he came in, and I can't say his name, but he came in. And then Officer Wolfe came in. And that's all. They started talking.

Q. Did you tell the police that day what you are telling us today? A. Yes.

Q. Who asked you about those things? A. They started asking me because my Aunt told them what she brought me there for.

Q. If your Aunt hadn't brought you to the police station that day would you have gone to the police yourself? A. No.

Q. Why wouldn't you go to the police? [55] A. I was too afraid.

Q. Who were you afraid of? A. My father.

Q. Just to make sure that we know that you know what you're talking about: You have said that your father has been making you have sex with him? A. Right.

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Q. And he has been putting his penis into your mouth and getting on top of you? Is that right? A. Yes.

Q. Do you know whether that is right or wrong? A. That is wrong.

Q. Do you know what you're doing Jeanette, and that is that you're saying things about your father that are serious? A. Yes.

Q. And do you realize that? A. Yes.

Q. Do you realize that we're asking you to tell the truth about these things? A. Yes.

Q. Have you told us anything that is not the truth today? A. No.

[56] Q. Have you told the police anything that is not the truth? A. No.

Q. You realize that you have sworn to an oath today to tell the truth? A. Yes.

The Commonwealth: That's all I have. Thank you, Your Honor.

The Court: You may cross examine.

CROSS EXAMINATION

By Mr. Steedle:

Q. You said you told your grandmother and your mother about what your father was doing to you? Is that what you said? A. Yes.

Q. That was before June 11th? Is that what you're saying? A. Yes.

Q. Do you recall where they were when you talked to them about it? A. I can't really remember.

Q. Did you consider it serious at the time when you told your mother and grandmother? [57] A. Yes.

Q. You did? A. Yes.

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Q. Well, will you tell us where it took place? Was it in your house or where? A. I can't remember.

Q. And this grandmother that you're talking about, what is her name? A. Mary Clem.

Q. How do you spell it? A. I think it's C-l-e-m.

Q. And your mother's name? What's her name? A. Helen.

Q. Helen? A. Yes.

Q. Was it a month or two months before the June 11th date that you told them? A. No.

Q. When was it? A. It was longer than that. It was way before.

Q. Was it over on the North Side when you were living on the North Side? A. I don't remember.

Q. You don't remember? A. No.

[58] Q. Do you remember what grade of school you were in when you told them? A. No.

Q. Do you remember who was with your mother and your grandmother when you told them? A. Just her and my grandmother, my mom and my grandmother.

Q. Were you living with your mother at the time or were you living with somebody else at the time? A. I don't remember.

Q. Well, who brought you to this particular place, when you talked to your mother and your grandmother? A. I don't know that either.

Q. Now, Jeanette, as I understand your testimony, Mr. Ritchie made this proposition to you right after the program that you saw, the television program that night on June 11th? A. Yes.

Q. That would be what time? A. Nine.

Q. Nine p.m.? A. Yes. Well, that's when it starts.

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Q. And on June 11th, when it is finished, and the [59] show was over, then everything was finished, this incident? A. No, at one o'clock in the morning.

Q. I'm talking about the TV show. A. Oh, the TV show?

Q. Yes. A. It started at nine.

Q. When the television show was over, you say that your father came downstairs and shut the television off? Is that what you're saying? A. Yes.

Q. And then he had this relationship that you were talking about, that you testified to, from nine o'clock p.m. until one o'clock in the morning. Is that right? A. Yes.

Q. And your father was intoxicated, you said? A. Pardon?

Q. Was your father drinking? A. Yes.

Q. Was anybody else in the house that night? A. Me and my two brothers and myself.

Q. Do you recall what you ate for supper that night? A. I don't even remember of even eating supper that night.

[60] Q. You mean you don't even know whether you ate supper or not? A. Right.

Q. Who prepared your supper? A. Sometimes I did and sometimes he did.

Q. What type of food did you prepare? A. Some things, all kind of things.

Q. Like what? A. Well, sometimes I make spaghetti and sometimes I fry meats.

Q. You fry meats? A. Yes.

Q. What kind of meats would they be? A. Pork chops.

Q. Pork chops? A. Yes.

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Q. You don't know whether you ate at all on that particular day? Is that what you're saying? A. Yes.

Q. How often did you go without eating supper? A. I don't know.

Q. How long does it take to cook spaghetti?

The Commonwealth: Objection. Your Honor, at this point I don't see the relevancy of how long it takes to [61] cook spaghetti.

The Court: Overruled. I'll allow the question. Do you want her to answer that?

Mr. Steedle: Yes.

The Witness: Wait a minute—well, I don't know. I read a book when I make it.

By Mr. Steedle:

Q. How long did it take you to cook pork chops? A. I don't cook them. I fry them.

Q. You fry them? A. I fry them.

Q. When you fry your pork chops, how long does it take? A. I never did count minutes on them, you know. I just fry them until they're done.

Q. How often did you do that? A. A while.

Q. Pardon? A. A while.

Q. Did you do this more than one time for your father and for the family? A. Yes.

Q. Was this a habitual thing that you did? Did you [62] do it regularly or one time a week or once a month? A. Yes, regularly.

Q. More than that? A. What do you mean?

Q. Once a week? A. No, no, about two times a week or three times.

Q. How many times did you cook spaghetti? A. I don't know.

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Q. Would you say you cooked it one time? A. I remember cooking it three times.

Q. Over what period of time did you cook spaghetti three times? A. What was that question?

Q. Over what number of days did you cook the spaghetti meals three times? A. You mean days in between?

Q. Yes. A. I don't know.

Q. What did you serve the last time you had spaghetti? What did you have with the spaghetti? A. Some Italian bread and butter.

Q. And how do you do it? A. You take the noodles out of the box.

[63] Q. And then what else? Do you put them in a pan? A. No. I took them out of the box. I put them in the pan and I boiled them, yes, and then I put salt in the pan also.

Q. Is that all you did? Is that it? A. Yes.

Q. You added nothing else? Just spaghetti from the box and right into the pan? A. I said I boiled it until it was done. When it was done I make the sauce.

Q. After it was cooked you make the sauce? A. Yes. I rinsed the spaghetti then and then I put it in a bowl and then I mix it all around with the sauce.

Q. Now, you said that your mother left you some three or four years ago? A. Yes.

Q. I want to ask you to read this paper, the Commonwealth of Pennsylvania, Department of Public Welfare paper. I want you to read it to yourself first.

The Commonwealth: I don't know what it is.

Mr. Steedle: You can see it before I ask her questions on it.

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[64] The Commonwealth: All right.

The Court: I'd like to take a look at it.
(Court and counsel examine document.)

By Mr. Steedle:

Q. Did you read that? A. Can I see it again?
Q. Yes. (Handing to witness.) A. All right.

The Commonwealth: Before the witness reads anything, Your Honor, I object to the relevance. I haven't seen any relevance to the reference to the Department of Welfare records.

The Court: May I see that a moment? Gentlemen, let's come to side bar.

(Side bar had off the record.)

The Court: I'd like to have the Reporter at side bar.

(Side bar.)

The Court: Proceed.

The Commonwealth: I don't see the relevancy to the Public Welfare [65] records.

The Court: Mr. Steedle, you're offering this? Do you want to explain what it is?

Mr. Steedle: I asked the young lady to read it. It's a form by the Department of Public Welfare, whereby it sets a certain day in which her mother stated that the children were living with her. And I just would like to ask her to read it to see if I could refresh her recollection when, in fact, when did she live with her mother last.

The Commonwealth: I don't see where that document has any relevancy to asking her when her mother last lived with her. I don't see the relevance, Your Honor. I don't see any benefit to

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be served by showing this to this witness, who doesn't know anything about it. You can ask her when the last time was that her mother lived there with her. And then if you have anything that refreshes her recollection that she probably would be aware of, [66] that's fine. I don't see any value to this at all. This doesn't seem to me to indicate anyway when the parties lived together.

The Court: This is a young child. There's nothing to indicate that she has even seen this at any prior time. She wouldn't be involved in making arrangements with the Department of Public Welfare.

I understand what you're saying.

Mr. Steedle: All I was trying to do is to see if this would ring a bell in her mind and then if she would change her position as to when her mother lived with her last. If she can't, that's all that I'm going to ask her.

The Court: You may ask the question in some other manner.

Mr. Steedle: I haven't asked any questions.

The Court: You're planning to. You may try to develop that in some other manner. I'm not going to allow you to use that paper. The objection is sustained.

[67] (Conclusion of side bar.)

Juror: Your Honor, I'm not clear about the rules as far as the jurors talking about the case among themselves.

The Court: All right. You are not to speak about it, as I explained to you, members of the jury, you are not to speak about the case until we conclude.

Mr. Steedle, you may proceed.

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By Mr. Steedle:

Q. Do you remember your mother taking you to Dr. Fisher's, Dr. Fisher's office in 1978? A. No.

Q. All right. Did your mother ever take you to Dr. Fisher's office as far as you know? A. Yes.

Q. When was the last time she took you to Dr. Fisher's office? A. I can't remember.

Q. Do you remember where you were living? A. No.

Q. Do you remember what the trouble was? A. No.

Q. Do you remember how old you were? [68] A. No.

Q. Do you remember what grade in school you were? A. No.

Q. When you lived at 212 Jacksonia Street, did your mother ever live with you there? A. Yes, for a while, and then she moved out.

Q. And then she moved out? A. Yes.

Q. How long ago was that? A. About four years ago.

Q. Three years ago? A. About four years ago.

Q. About four years ago? A. Yes. It was about that.

Q. About four years ago? A. Yes.

Q. How long did you live at 212 Jacksonia? Did you live there one period of time or two different occasions? A. What do you mean by that?

Q. Did you move into 212 Jacksonia Street and move out and then move back to 212 Jacksonia Street? Was there a space of time between living on Samsonia Street one time and then living on Jacksonia Street and then another [69] time going back to 212 Jacksonia? A. Not that I remember.

Q. You lived there only one period of time? You only lived there one period of time? A. Right.

Q. How long a period of time did you live on that street? A. About a year, about a year or a year and a half.

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Q. How long did your mother live there with you? A. She just came to visit.

Q. This place on Jacksonia Street, how many rooms were in this particular apartment or house that you lived in? A. Two.

Q. What was it? A bedroom and kitchen? Is that what you're saying? A. Yes.

Q. And you and your father and two brothers lived there? A. Yes.

Q. And your mother lived with you sometime? Is that what you're saying? A. Yes.

Q. All right. Immediately before you lived there, where did you live before? [70] A. Before I lived there?

Q. Yes. A. Samsonia Street on the North Side.

Q. Before you moved to 212 Jacksonia Street, you lived on Samsonia Street? A. Yes.

Q. Who lived there immediately before moving to 212 Jacksonia? A. I don't understand that question.

Q. Well, I'll try to rephrase it. You say that you lived for a period of time on 212 Jacksonia Street. Is that correct? A. Yes.

Q. And the only people you lived with was your father and your two brothers and then your mother came to visit you sometimes? Is that correct? Is that what you're saying? A. Yes.

Q. Now, you did live with your mother at one time. Is that correct? A. Yes.

Q. And your mother and your father weren't living with you? Is that correct? A. No.

Q. You mean you always lived with your father? [71] A. No.

Q. When didn't you live with your father? A. Five years ago.

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Q. In other words, five years ago your father and mother parted company? Is that what you're saying? A. Yes.

Q. That's when you—well, that's when your mother left you five years ago? Is that what you're saying? You lived with your father? A. No, you have me confused.

Q. Tell us what you mean. I don't want to put words in your mouth. A. My mother left my father and she was living in McKees Rocks at her mother's place, with me and my two brothers for a while and then we moved to the North Side.

Q. When you moved to the North Side, where did you move to? A. Samsonia Street.

Q. And you and your mother and father lived on Samsonia Street for a while? A. Yes.

Q. Do you recall when your mother got a divorce from Mr. Ritchie here? [72] A. No.

Q. Were you aware that your mother did get a divorce from Mr. Ritchie? Are you aware of the fact at that time that your mother did get a divorce from Mr. Ritchie? Were you aware of that? A. No.

Q. When did you find out that your mother divorced your father? A. When we went to move to McKees Rocks.

Q. All right. A. When I packed some stuff and we moved. And there was a tin box and I looked through there and I saw it.

Q. So, your mother left your father and she took you and your two brothers with her? Is that correct? A. Right.

Q. And you lived in McKees Rocks? A. Right.

Q. And did you stay at McKees Rocks until—well, until when? A. When?

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Q. Where did you go from McKees Rocks? A. From McKees Rocks we went to the North Side.

Q. Where on the North Side? [73] A. Samsonia Street.

Q. All right. You moved to Samsonia Street? A. Yes.

Q. Where were you living on the North Side when you went to McKees Rocks? A. I didn't live on the North Side when I went to McKees Rocks.

Q. When your mother and father separated, where were you living? A. You mean before that?

Q. You said that—and maybe I'm misunderstanding you, and you correct me if I'm misunderstanding you—but I thought you said that your mother left your father and took you and your two brothers to McKees Rocks? Is that what you told us? A. No.

Q. What did you tell us? A. Before I lived on Samsonia we lived in McKees Rocks.

Q. Was your father living in McKees Rocks with you? A. No.

Q. That's what I'm asking now. Where were you living when your mother took you and your two [74] brothers from the house where your father was living? A. To where?

Q. Where were you living? A. Four Graham Street, McKees Rocks.

Q. Whose place is that? A. My grandmother's. It's my grandmother's house.

Q. I believe that you mentioned her name already. You were talking about Mary Clem? A. Yes.

Q. Now, did Mr. Ritchie live with you in McKees Rocks in Mary Clem's house? A. No.

Q. All right. That's what I'm asking you now. Where was your dad living when you were living in McKees Rocks? A. I don't know.

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Q. All right. Now, where were you living before you moved to McKees Rocks? A. We lived in Washington, Pennsylvania.

Q. You went from Washington, Pennsylvania— A. To McKees Rocks.

Q. Directly? A. Yes.

Q. When you were living in Washington, Pennsylvania, [75] you and your father, your father and mother were living together then— A. And my two brothers and my grandfather and his lady, his wife, lived in the same house. But we owned the upstairs. We had the upstairs.

Q. So, as I understand it, your mother separated from your father when you lived in Washington, Pennsylvania? A. No.

Q. Tell me where your mother and father were living when they separated? A. When they got back to McKees Rocks they separated. I don't know why they separated.

Q. Did you live somewhere before you went to your grandmother's house? A. Yes.

Q. Where did you live? A. Washington, Pennsylvania.

Q. Did I understand the next thing to be that then you were living with your grandmother? A. Yes.

Q. But your father was not living with your grandmother? A. Right.

Q. So when you moved from Washington, Pennsylvania, [76] to McKees Rocks at your grandmother's house, your mother and father must have separated? A. Yes.

Q. Now, we have you and your mother and your two brothers in McKees Rocks.

Now, when did your father come back to live with you? A. He didn't. It was my mother's idea.

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Q. It was your mother's idea to have him come back? Is that what you're saying? A. Yes. My mom wanted him to move back with us. And so my mom looked for a place on the North Side.

Q. What place did she find? A. Samsonia Street.

Q. Now, how long, if you remember, did your father stay at 406 Samsonia Street? A. As soon as we moved there.

Q. For how long? A. Until we moved from—well, as soon as we moved from McKees Rocks.

Q. I think I'm misunderstanding you. Now, you and your mother and your two brothers and your dad apparently set up housekeeping on Samsonia Street sometime? Is that right? [77] A. Yes.

Q. Correct? A. Yes.

Q. After you moved from McKees Rocks, and then your dad and your mother rejoined each other? Is that what you're saying? A. Yes.

Q. Now, you're on now Samsonia Street? Is that right? We're now on Samsonia? A. Yes.

Q. Now, the next place you moved to, as I understand your testimony—and I'm not trying to put words in your mouth—was 212 Jacksonia Street? A. Yes.

Q. And when you moved from Samsonia Street to Jacksonia Street, who all moved to that new address? A. Me, my father, and my two brothers, we was on Samsonia Street and my mom moved out. I don't know why.

Q. Your mother moved out when you were on Samsonia Street? A. Yes.

Q. So your father lived with you without your [78] mother on Samsonia Street? A. For a period of time, yes.

Q. Immediately before you moved to 212 Jacksonia Street? A. After.

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Q. I think I'm using the wrong words with you. I don't want to confuse you. A. All right.

Q. You moved into 212 Jacksonia Street with your father and your two brothers and your mother had already left you? Isn't that correct? A. Yes.

Q. That's according to your testimony? A. Yes.

Q. She left you when you were living on Samsonia Street? A. Yes.

Q. Is that what you're saying? A. Yes.

Q. Now, do you know where she went to? A. To her mother's house.

Q. Where was that? A. Four Graham Street.

Q. But you didn't go with your mother when she went? Is that correct? [79] A. No.

Q. You stayed with your father? A. Yes.

Q. I believe your testimony is that this is where it all started, is that correct, on Samsonia Street? Isn't that what you testified to? A. Yes.

Q. And that's when your father started making advances when you were living alone with him on Samsonia Street? A. Yes.

Q. Tell us what type of a house that was? A. That had—well, it had three rooms and a bath.

Q. Three rooms? A. Yes, and a bath.

Q. These three rooms, one or two bedrooms? A. One bedroom, a kitchen, and a living room.

Q. You testified about Cherie. You said something about her being related or her mother being related to Mr. Ritchie? A. Yes.

Q. You don't know the relationship, do you, Jeanette? You don't know what the relationship is? A. I think they're cousins.

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[80] Q. And I think one time you told somebody that they didn't get along. Is that right? A. No.

Q. Didn't you say something about the fact that there was an ill feeling between them? A. Pardon?

Q. There was ill feeling between your Aunt, who is Mrs. Daley, and her husband and the Defendant here? A. Yes, they didn't get along that well, that's right.

Q. That's what you testified? That's what you so stated previously? Is that right? A. Yes.

Q. They didn't like each other? A. I don't know if they liked each other but they didn't get along well.

Q. Now, are you sure where you lived and who lived with you as you are of the facts that you talked about on June 11th, 1979? A. Pardon?

Q. Are you telling just as much truth about these places where you lived as you're telling this jury about what happened to you on June 11th? A. Yes.

[81] Q. So, if we prove that you are wrong on these places where you lived with your father, you're also wrong on the June 11th testimony, is that correct?

The Commonwealth: Objection.

The Court: Sustained.

By Mr. Steele:

Q. Now, I believe that you testified that you lived in McKees Rocks with your father and your two brothers just recently, that is since you have been in the seventh grade? Isn't that right? A. Yes.

Q. I think you said you went to school at Stowe Rocks? A. Yes.

Q. When you moved from the North Side, I believe you said that was 212 Jacksonia Street, and you moved to the Terrace in McKees Rocks. A. Yes.

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Q. And you transferred to their school after the school term started? A. Yes.

Q. So you started in the seventh grade? A. Yes.

[82] Q. On the North Side? A. Yes.

Q. In September of 1978? Isn't that right? A. Yes.

Q. That's last year? A. Yes.

Q. So in September of 1978 you started seventh grade on the North Side? A. Yes.

Q. And then you transferred to Stowe Rocks and continued in the seventh grade at that school? A. Yes. I had to repeat it over.

Q. You had to repeat it over? A. Yes.

Q. Do you know why you're repeating it?

The Commonwealth: Objection. There's no relevancy.

The Court: Sustained.

By Mr. Steedle:

Q. Now, after we discussed where you lived, do you remember where you told your mother and grandmother about your father molesting you? A. No.

Q. You said that they didn't believe you. A. That's right.

[83] Q. And you said, "Well, that's it." Is that what you said? A. I said, "That's it, forget it then."

Q. "Forget it"? A. Yes.

Q. You weren't interested either? Is that what you said? A. What do you mean by that?

Q. Well, you didn't show any further interest in making this complaint at that time? You didn't repeat the complaint at other times to your mother and grandmother before June 11th, 1979? A. Right.

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Q. Is that right? A. Right.

Q. And the only thing you did was discuss it with your girlfriend, Cherie, and you didn't complain to your girlfriend, Cherie, but you discussed it with her? Is that right? A. My cousin, Cherie.

Q. Your cousin? A. Yes.

Q. You made no complaint about it? A. No.

Q. Now, this conversation that you were having [84] with Cherie, I understand that your father was in the front seat? A. Yes.

Q. And were you talking in a manner in which he could overhear you? A. No, I was whispering.

Q. Were you laughing and joking about it? A. No.

Q. Was she joking about it? A. No.

Q. She was not? A. No, she was as serious as I was, like I was.

Q. Now, you said that you went to Washington, Pennsylvania with your father, is that right, on that same day that you talked to Cherie? A. Yes, and my two brothers, and Johnny.

Q. That was for the purpose of overnight camping in a tent, camping? A. Yes.

Q. Who went camping with you? A. Me and my two brothers and Johnny and my father.

Q. Was this a deserted place where people didn't live? A. Yes.

Q. And you stayed all night until the next morning? [85] A. Yes.

Q. And your father didn't molest you that night? A. No.

Q. Isn't it true that the next night you went camping with your father? A. Yes.

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Q. Overnight? A. Yes.
 Q. And your father didn't molest you that night? A. No, because he wasn't drinking.
 Q. Did you like your father drinking? A. No, not one bit.
 Q. Now, is this one way to get back at him?

The Commonwealth: Objection.

The Court: Sustained. And I don't think the question is quite clear. I'm not saying you can't ask the question. But I don't think it's quite clear to the witness. It wasn't clear to the Court. I'm not saying that you can't ask it. But it was not clear. I am not sustaining the objection as to the substance of the question. The question was unclear.

By Mr. Steedle:

Q. Did you like the fact that your name was Bills [86] rather than Ritchie?

The Commonwealth: I object to that.

The Court: Yes, rephrase the question.

Mr. Steedle: I think it's proper. This is cross examination. I have a right to put it in.

The Court: The District Attorney has a right to object to the question. If you want to rephrase the question, fine. I'm not sustaining the question as to the subject matter but the manner in which the question was asked.

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By Mr. Steedle:
 Q. Did you have any resentment for the name Bills rather than Ritchie? A. I—
 The Commonwealth: Do you know what "resentment" means?
 The Witness: No.

By Mr. Steedle:
 Q. Did you have a dislike to the name Bills, rather than Ritchie? A. No.
 [87] Q. Were you satisfied with that name? A. Yes.
 Q. Did you ever make any complaints about it? A. I asked him if I was going to get it changed.
 Q. So, you did have some thoughts about the name? Is that correct? A. Yes.
 Q. And you also disliked his drinking? A. Yes.
 Q. And your father does drink? A. Yes.
 Q. And I understand that you testified that your father lived with you all of these years— A. Yes.
 Q. And how many times did your father slap you in all of these years? A. About three.
 Q. About three times? A. Yes.
 Q. And that was the extent of the corporal punishment that you ever got from your father?
 The Commonwealth: Do you understand that question?
 The Witness: No.
 The Court: Mr. Steedle, be a [88] little more careful with the wording. This is a thirteen year old girl.
 Mr. Steedle: All right.

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By Mr. Steedle:

Q. I mean physical punishment. Do you understand what I'm talking about? A. Yes, I do.

Q. That's the extent of the punishment that you got in those three years? Isn't that right? A. Yes.

Q. You were slapped about three times? A. Yes.

Q. Now, as I understand it, you made the statement to your cousin, Cherie, on the 20th? Is that correct? A. Yes.

Q. And the first time you talked to the police department was on the 23rd? A. Right.

Q. Who did you talk to besides Cherie between the 20th and the 23rd about the conduct of your father? A. Just to Cherie.

Q. So, the matter was dropped completely until the 23rd? Is that correct? [89] A. Pardon?

Q. Nothing ever developed from the time you told Cherie about it on the 20th until the 23rd? Isn't that correct? A. Yes.

The Court: Please speak up a little bit.

The Witness: I'm sorry.

By Mr. Steedle:

Q. In fact, you had no idea where your Aunt was going to take you on the 23rd? Is that correct? A. Right.

Q. So it was not your idea to go to the police department whatsoever? A. Right.

Q. And did your Aunt tell you on the way to the police department that that is where she was going to take you? A. As soon as she got us some hamburgers she said that we have to go somewhere.

Q. We have to go somewhere? A. Yes, that's what she said we would have to do after we had some hamburgers.

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She said we were going to go somewhere. And I asked her where and she just said, over to the police [90] station.

Q. So that's when the bomb shell was dropped? Is that when she said she was dragging you to the police station on the 23rd? A. She took us there, yes.

Q. She took you there? A. Yes.

Q. And this Aunt—what's her name? A. Betty, Betty Daley.

Q. Now, you say that this took place three or four times a week on an average for three years? Is that right? A. Yes.

Q. Do you know what a year is? A. Yes.

Q. There's twelve months in a year? A. Yes.

Q. At any of these occasions, were there ever any bruises which you reported to anybody? A. No.

Q. Did you ever have to go to a doctor for bruises? A. No.

Q. Do you recall Child Welfare Services visiting you in September of 1978? A. Yes.

[91] Q. Do you know what the complaint was at that time? A. For abuse.

The Commonwealth: Objection unless the witness knows of her own knowledge.

Mr. Steedle: I'll ask her if she knows.

The Court: I'll allow the question.

By Mr. Steedle:

Q. Do you know what a complaint is?

The Court: That objection was overruled. Go ahead and answer.

The Witness: For abuse, child abuse.

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By Mr. Steedle:

Q. Some type of child abuse? A. Yes.

Q. Did somebody from Child Welfare visit with you and ask you questions? A. Yes, there was a lady that questioned me.

Q. And what did she ask you about? A. She asked me if I ever got hit. And she checked me for bruises on my legs and arms.

Q. Was there anything wrong with you at that time?

A. No.

[92] Q. Do you know who made the complaint to the Child Welfare Services? A. She wouldn't say.

Q. Was your father there when this interview took place? A. Yes.

Q. Weren't you taken in a separate room from your father? A. I was taken in the bathroom, yes.

Q. And you were separated from your father? A. Yes, he was in the kitchen. And my brothers were in the bedroom.

Q. And they also questioned your brothers at the same time? A. Yes.

Q. And they were in a separate room? A. Yes.

Q. But you don't know who made the complaint or you don't know who was supposed to do this bruising and all the complaint was was that somebody took a complaint out that somebody had bruised you? A. Yes.

Q. They didn't say who it was? A. No.

[93] Q. They didn't say who it was? A. No.

Q. You said that you were scared to tell anybody. A. Yes.

Q. What was the reason that you were scared to tell anybody? A. Because if I would have told anybody they would have told my father and my father would have gotten mad.

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Q. You told your mother and grandmother before? A. Yes.

Q. So there must have been—well, you weren't scared then? A. Yes, I was.

Q. Who were you scared of then? A. My father.

Q. But you did tell them? A. Yes.

Q. And that didn't stop you from telling your mother and grandmother? A. Yes, but they didn't believe me.

Q. Now, you had boyfriends? Isn't that right?

The Commonwealth: Objection. I'd like to come to side bar.

The Court: All right.

[94] (Side bar had off the record.)

The Court: Ladies and gentlemen, we're going to take the noon recess now. So you're excused until two p.m. You report back upstairs. Court will stand in recess until two p.m.

(Luncheon recess.)

* * *

[107] Steedle, do you want to cross examine?

Mr. Steedle: Yes.

CROSS EXAMINATION (CONTINUED):

By Mr. Steedle:

Q. Jeanette, following visitation of the Child Welfare worker which we talked about previously in September of 1978, you went over to the doctor's office with your father? Didn't you? A. Yes.

Q. Who did you talk to over there? Do you recall? A. I don't remember.

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Q. But that's the doctor's office, that was Dr. Fisher's office and his associates over there? A. Yes.

Q. And did you make any complaints to him? A. No.

Q. And in March of 1978, if you can recall now, did someone take you to this same doctor's office for some exposure to TB at school or something like that? A. No.

Q. Do you remember going to that office at all in March of 1978? [108] A. Pardon?

Q. Do you remember your mother taking you over? A. No.

Q. How many times have you gone over to that doctor's office? A. I don't know. I never counted.

Q. Well, I realize that. Was it more than once? A. Yes.

Q. For examination for yourself, I mean? A. I don't know.

Q. Well, you surely would know whether you went over and was examined by the doctor more than once in the last few years?

The Court: Do you remember?

The Witness: No.

The Court: That's her answer. Proceed.

By Mr. Steedle:

Q. Do you remember going to the doctor's office in February of 1978? A. No.

Q. If you had gone, would you remember? A. I remember getting a blood test two times.

Q. Who took you on those occasions? A. My father.

[109] Q. Your father took you? A. Yes.

Q. How long ago was that? A. I don't know.

Q. You don't know? A. No.

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Q. Now, let's refer back to June 20th. And that was the time that your father and yourself and your two brothers were in front of a tavern near the bridge where somebody got gasoline. Do you recall that date, June 20th? Do you recall that? A. Yes.

Q. What time of day was that? A. It was in the afternoon about four, something like that.

Q. Do you remember what you did that morning? A. We woke up from camp.

Q. What was that? A. We woke up from camp and we packed our gear.

Q. I don't mean the following morning. I'm talking about before you went to camping that day. A. I don't remember.

Q. You don't remember where you were at at all that morning or that afternoon? [110] A. No.

Q. You were with your father that day before you went camping? A. Yes.

Q. Did you have the two boys with you, too, all this time? A. Yes.

Q. Isn't it a fact, Jeanette, that[®] your father practically paid 100 per cent attention to the three of you when he had you? A. Pardon?

Q. Didn't your father pay 100 per cent attention to the three of you while he had you? A. Not really.

Q. No? A. No.

Q. What didn't he do? A. He didn't help us with our homework from school.

Q. And was that it? A. It's more than that.

Q. What do you mean. What else? A. Well, we needed help with other things and he couldn't help us out.

Q. Because your father wasn't educated? A. It wasn't that. It was just that he just didn't.

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[111] Q. Do you know how far your father went to school? A. Pardon?

Q. Do you know how far along in school your father had gone? A. He said he went to the eighth grade.

Q. Yes, eighth grade. Is that what he said? A. Yes.

Q. Now, your father and your family lived on relief down in the project? Isn't that correct? A. Right.

Q. And your father didn't carry his money around with him? A. No—well, sometimes he did.

Q. Isn't it true that your father kept the money at home, except for spending money? A. Yes.

Q. So the money that your father was using was used for the household? Wasn't it? A. No.

Q. You mean you went without food? A. No.

Q. Your father had enough food in the home? Isn't that right? A. Sometimes, yes.

Q. Did you expect more? [112] A. No.

Q. Were you satisfied? A. Yes.

Q. Pardon? A. A little bit, yes.

Q. And the fact is that your father made the funds accessible for you to go to the store? Isn't that right? A. Yes.

The Commonwealth: I don't think she understands what the form of the question is.

The Court: Repeat it or rephrase it. You used the word "accessible". Please rephrase the question.

Mr. Steedle: Very well.

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By Mr. Steedle:

Q. You knew where your father had the money at the house? Isn't that right? A. Yes.

Q. And he didn't hide the money or anything like that and if he told you to go to the store you knew where to get the money? Isn't that a correct statement? A. Yes.

[113] Q. Your father had the money at one place all the time? Isn't that correct? A. Sometimes he would change it around to different places.

Q. But you, the oldest child, were informed where the funds were and you knew where the funds were? Is that right? A. Yes.

Q. And isn't it true, Jeanette, also that your father respected your privacy in your own home? Your father didn't neb around in your home? Did he? A. Sometimes, yes.

Q. Did you ever find anything missing that you had in your room?

The Commonwealth: I'm sorry, I have to object. I don't see the relevance of this whole line of questioning.

The Court: I'm going to overrule the objection. You may answer the question.

The Witness: Yes.

By Mr. Steedle:

Q. Pardon? A. I said yes.

[114] Q. What was missing in your room? A. I had a Bible. I had some friends' pictures and I had a radio.

Q. Who bought the radio for you? A. My father.

Q. You mean your father had a radio in your home and he removed it? A. No, he bought it for me.

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Q. What did he use it for after he took it out of your room? Where did he put it? A. I don't know.

Q. Now, these other episodes when you were talking about them, did they all extend three or four hours long like you were talking about the incident on June 11, 1979?

The Court: Just a minute. You'll have to be more definitive other than saying episodes. It's too broad a term. Rephrase your question.

By Mr. Steedle:

Q. You said that your father mistreated you from, from nine o'clock at night to one o'clock in the morning. Now, I'm assuming and you're saying that that's the same thing that happened on all these other times? Is that correct? [115] A. Yes.

The Commonwealth: I have to object. He has to define again what he's talking about when he says "mistreated." He has to define it so she understands what he's talking about.

The Court: Yes. Proceed.

By Mr. Steedle:

Q. Your father made sexual advances on you from nine o'clock in the evening until one o'clock in the morning and you said this happened two and three times a week for three years or more? A. Not all at the same time.

Q. What do you mean? A. He didn't do it that long sometimes.

Q. Sometimes less? A. Yes.

Q. Sometimes more? A. Less.

Q. Sometimes less? A. Yes.

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Q. And what is the least amount of time it occurred? About an hour? A. Yes.

[116] Q. About an hour? A. Yes.

Q. Did your father have an automobile of his own? A. No.

Q. When you told your grandmother and your mother about this affair on June 11, were they together at the time? A. Yes.

Q. Neither one of them believed you? A. Yes, right.

Q. And they told you so? A. Yes.

Q. Now, I wanted to ask you this: Could you tell us maybe within three or four months when you told your grandmother and your mother about this incident? I don't expect you to have the date but can you pinpoint it to a week or so? Was it in June or February or March or April or when? A. I don't know.

Q. Didn't you think it was a serious matter at the time that you talked to them? A. Yes.

Q. But you don't know when it was? A. I'm not sure of the date.

[117] Q. Who did the cooking generally in your house where you live with your father? A. Me and my father used to take turns.

Q. You took turns with your father? A. Yes.

Q. And you're a person that can make a meal, is that what you're saying, for the family? A. Pardon?

Q. You are able to make a meal for the family? Is that what you are saying? A. Yes, sometimes. It all depends on what it is.

Q. Who gave you the Bible? You said you had a Bible. Is that correct? A. Yes.

Q. Who gave you the Bible? A. I got it from this lady. She worked for the Children's—well, the Children's Bible Group.

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Q. And when it was missing did you ask your father?
A. No.

Q. Did you tell your father that you ever had a Bible?
A. No, but he said that he burnt his Bible.

Q. What brought that up in your father? Why would your father tell you that he burnt his Bible? [118] A. I don't know.

Q. Do you remember the conversation in which this was raised and why it was brought up? A. I asked him if I could go to church one day. He said he didn't want to talk about it. I asked him if he ever had a Bible. He said yes, and I burnt it.

Q. How long ago was that? A. When he was living in—well, that's when we was living in 13B McKees Rocks Terrace.

Q. That was sometime after September when you were transferred from school, from one seventh grade to the other? A. Yes.

Q. Now, you said you visited your relatives a lot over the year? Isn't that right? A. Yes.

Q. Which people did you visit? A. I visited his sisters, Arlene, his brother, Louis, his mother and—

Q. That would be your grandmother? A. Right. That was all.

Q. Did you ever visit Mrs.—I think she's called—did you ever visit Mrs. Josephine Aubrey (phonetic)? [119] A. No.

Q. Did she ever visit you? A. Yes.

Q. All right. A. I can remember that she visited us on the North Side once or twice.

Q. How often did you visit with Mr. Ritchie's father? A. About every two weeks.

Q. That was continuing while you lived in McKees Rocks? A. We was over on the North Side, yes, too.

Q. Over on the North Side also? A. Yes.

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Q. Now, how old were you when this first started, as far as sexual attacks by your father? A. I don't remember.

Q. You visited Betty Daley and her two daughters—I mean her daughter—you visited them very often? A. Pardon?

Q. Cherie and her mother, Betty Daley, the ones you testified about. Did you visit them very often? A. No.

Q. You didn't visit them very often? [120] A. No.

Q. How often did you visit them? A. We never did because my dad never got along with her husband.

Q. Did you go down there by yourself at times? A. Me?

Q. Yes. A. No.

Q. Did you have a bicycle? A. Yes.

Q. Where did you take your bike? A. I rode it around the terrace.

Q. You never went down into the McKees Rocks area? A. No.

Q. Did you ever complain to your father's father about your dad's drinking? A. Yes.

Q. When? A. I don't remember when.

Q. How often did you make the complaint? A. I only made it twice, it was to his mother.

Q. That was all through this whole period of time that you were living with your father? A. Yes.

Q. Now, getting back to the 20th, Jeanette, that's [121] the date that you took the first trip to Washington County to go overnight there. Do you recall what time you got down to the bottoms, what they call the bottom of McKees Rocks from your home? Was it one o'clock in the afternoon or when? A. I don't remember.

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Q. Do you recall how long after the gasoline was put in the car that day that you did start the trip to Washington, Pennsylvania? Do you remember? A. About five minutes after.

Q. Five minutes later? A. Yes.

Q. In other words, you're saying that as soon as the car was gassed up, that everybody went to Washington, Pennsylvania? A. Yes.

Q. And your father was in a stupor at the time? Is that what you're saying? A. Pardon?

Q. You said your father was mumbling to himself at the time? Is that what you said? A. Yes.

Q. Who put the tent up once you got down there? [122] A. Well, he didn't put the tent up because it was too dark when we got there.

Q. You mean he didn't put the tent up at all that night? A. No.

Q. Are you saying that you just slept on the open ground? A. No. We laid the tent flat. We slept on that.

Q. You laid on the tent itself? A. Yes.

Q. And that was you and your two brothers? A. Yes.

Q. And your father? A. Yes.

Q. And Johnny? A. Johnny and my father was out a little way from the tent, you know, and we were on the tent, me and my two brothers.

Q. Now, do you remember this day, the 20th, when you went down to Washington, Pennsylvania? A. Yes.

Q. What did you do when you were there before you went to sleep? A. We went to his Uncle Burrell's house and asked—well, he asked if he can go to his cabin to [123] stay and he said that he can't because it is locked up.

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Q. Isn't it a fact that it rained that night? A. Pardon?

Q. Isn't it a fact that it rained that night? A. Yes.

Q. And you slept on the canvas without a cover? Is that what you're saying? A. We had a cover.

Q. What kind of a cover did you have? A. I can't remember directly what it was made of.

Q. I mean, are we talking about a blanket or something? A. Yes, a heavy one.

Q. A heavy one? A. Yes.

Q. You had a heavy blanket and you covered your head and everything? A. Yes.

Q. It was raining all around you and you were just laying on the canvas? A. Yes.

Q. How long did it rain? A. I don't know. I was sleeping.

Q. You slept through all of this rain? [124] A. Yes.

Q. When you were down there, did you tell Johnny about what you told Cherie? A. No.

Q. Did you tell Chuckie who was driving the car what you told Cherie? A. I told him some things, yes.

Q. When? A. When I seen him.

Q. On this particular day, the 20th, did you tell him? A. Yes.

Q. All right. A. Well, my father and Johnny went into a bar out in Washington to get some beer.

Q. So you told him then? A. Yes.

Q. Did you also tell him not to tell anybody? A. Yes.

Q. How old is this Chuckie? A. He's in his twenties.

Mr. Steedle: That's all I have.

The Commonwealth: I have some questions.

The Court: Proceed.

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[125] REDIRECT EXAMINATION

By the Commonwealth:

Q. I just want to clear up one thing, Jeanette. Mr. Steedle asked you about seeing people from the Child Welfare Agency when they came to your home. Do you remember that? A. Yes.

Q. Do you remember when they came to your home? Do you remember how long ago it was? A. I think it was in '78.

Q. Do you know when in '78? A. No.

Q. Could it have been any time that year? A. Yes. It was in the summer.

Q. What were they asking you? A. If we got beat up. They checked my brothers and that for bruises.

Q. Did anybody ask you anything about the fact that anyone was having sex with you? A. No.

Q. They didn't ask you any of those kind of questions? A. No.

Q. Did you tell any of those people from that agency [126] about the incidents that were happening with your father? A. No.

Q. You didn't tell them what was happening? A. No.

Q. How come you didn't tell them? A. I don't know.

Q. You were in the seventh grade now? A. Yes.

Q. And last year then, the grade that started in September of '78, that would also have been the seventh grade for you? A. Yes.

Q. And the year before that, of course, you were in the sixth grade? A. Well, I was ending the sixth grade.

Q. You were ending the sixth grade? A. Yes.

Q. Did you repeat any grade beside the seventh grade? A. No.

*Appendix G—Excerpts from Notes of Testimony,
Dated November 7, 1979.*

Q. Okay. A. Not that I know of.

Q. So, you are in the seventh grade now and you're repeating it for the first time? [127] A. Yes.

The Commonwealth: That's all I have.

Mr. Steedle: I'm through, Your Honor. I have no recross.

The Court: You may step down.
Call your next witness.

* * *

APPENDIX H

**Pretrial Hearing on [Respondent's] Motion
for Sanctions, Dated October 23, 1979
(Unabridged)**

IN THE COURT OF COMMON PLEAS OF
ALLEGHENY COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,

Plaintiff.

vs.

GEORGE F. RITCHIE,

Defendant.

CRIMINAL DIVISION
CC 7903887.

1. Rape
2. Involuntary Deviate Sexual Intercourse
3. Incest
4. Corruption of Minor

Excerpt Transcript

Filed by:

(Miss) Ollie M. Holden
Official Court Reporter

Trial Date:

October 23, 24 & 25, 1979

Trial Judge:

Hon. Samuel Strauss, J., and Jury

*Appendix H—Pretrial Hearing on [Respondent's] Motion
for Sanctions, Dated October 23, 1979.*

COUNSEL OF RECORD

For the Commonwealth:

DISTRICT ATTORNEY
301 Courthouse
Pittsburgh, Pa. 15219
By: Gary Truitt, Esq.
Assistant District Attorney

For the Defendant:

JOSEPH A. STEEDLE, ESQ.
3064 Chartiers Avenue
Pittsburgh, Pa.
By: Joseph A. Steedle, Esq.

[2]

Pittsburgh, Pennsylvania
October 23, 1979

(The following proceedings occurred in Judge's
chambers:)

Mr. Steedle: This case, Your Honor, is a statutory
rape case, incest, and at the pre-trial omnibus motion
before Judge Popovich I raised the issue with the
District Attorney to secure the file of the Child Welfare
Services for inspection.

The Court: Yes.

Mr. Steedle: At that time, Judge Popovich ruled that
would be handled by the trial Judge.

The Court: Yeah.

Appendix H—Pretrial Hearing on [Respondent's] Motion for Sanctions, Dated October 23, 1979.

Mr. Steedle: All right. Now this case was set for trial—

The Court: Yes.

Mr. Steedle: —on October 16. On October 16 I had a subpoena served on the Child Welfare Services bringing their records to the courtroom.

The Court: Yeah.

Mr. Steedle: They failed to show.

The Court: All right. Are they here now?

Mr. Steedle: They are here now.

[3] The Court: So it is over with.

Mr. Steedle: I filed a motion for sanctions.

The Court: Sanctions for who?

Mr. Steedle: Against the Child Welfare Services for failure to appear twice. The second time it was served—

The Court: It should have been here.

Mr. Steedle: The second time they threw the papers in the elevator shaft.

The Court: Pardon me?

Mr. Steedle: They just threw the papers in the elevator shaft.

Mr. Truitt: Your Honor,—

Mr. Shenosko: Your Honor, if I may interrupt, I think we can get to the issue. The issue is this, that the trial of the case—I mean the Child Welfare is only in the periphery of this matter.

The Court: I don't know what they have got to do with it.

Mr. Shenosko: My name is George Shenosko (sic.). I am an Assistant County Solicitor and I represent Child Welfare. The issue is whether or not the records of Child [4] Welfare should be involved in this case. Now we take the position there is really nothing in these records which

Appendix H—Pretrial Hearing on [Respondent's] Motion for Sanctions, Dated October 23, 1979.

is of any import to the case. Secondly, we take the position that if an inspection of the records is deemed advisable, it is the duty of the Court to give an *in camera* inspection. Basically these records are confidential records.

The Court: There is no question about that. I mean, I would assume that.

Mr. Shenosko: There is authority for this. We have a miscellaneous order of the Supreme Court.

The Court: I am satisfied that this is the correct way to do it. Do you have something there that we can look at? I mean, yeah.

Mr. Steedle: One thing I say, it is essential to the trial of this case.

The Court: Pardon me?

Mr. Steedle: There is possible witnesses available out of those reports.

The Court: I don't see any witnesses in here. Yeah, I mean.

Mr. Steedle: There is a medical report in that file that I know about.

[5] The Court: What is it that you know from the medical report?

Mr. Steedle: The girl was examined by a doctor in September, 1978.

The Court: All right. Keep your voice down. There is a jury upstairs. So what?

Mr. Steedle: This girl, whether mistreated by her father for three years prior to this, when she was examined by doctors six months—well, it was a year ago now—

The Court: They didn't have a doctor along every time she was misused or—

Appendix H—Pretrial Hearing on [Respondent's] Motion for Sanctions, Dated October 23, 1979.

Mr. Steedle: No, no, no. I'd like to see the doctor's report.

The Court: No, no. Can you locate whatever he is talking about, the examination?

Unidentified Woman: It is not there.

The Court: There is nothing in here about a doctor's examination.

Mr. Steedle: Well, there may not be anything there, but they have it because—

The Court: Well, are these your records?

Mr. Shenosko: Those are the records of the agency.

[6] Miss Muller: The activity that—

Mr. Truitt: Identify yourself.

Miss Muller: Barbara Muller, Children and Youth Services. He is talking about activity with his family prior to when Child Welfare was involved in it.

The Court: Came into the picture.

Mr. Steedle: I'm not talking about that, Your Honor.

The Court: What are you talking about?

Mr. Steedle: Child Welfare Services.

The Court: What specific date, what records do they have that you are talking about?

Mr. Steedle: I'll get my file.

The Court: All right. What specifically are you talking about?

Mr. Steedle: That girl was given—

The Court: Stephen Fisher, M.D. To whom it may concern, Jeanette Ritchie was seen in the office today. A routine physical examination. And this was dated 9-6-78.

Mr. Steedle: That is what I want to see. That physical examination was taken on behalf of Child Welfare Services. Somebody was supposed to—

Appendix H—Pretrial Hearing on [Respondent's] Motion for Sanctions, Dated October 23, 1979.

[7] The Court: What do you want to—when was the offense allegedly?

Mr. Steedle: For three years starting June of this year going back three years.

Mr. Truitt: We have discovered late June of—

The Court: June of this year?

Mr. Truitt: Right.

The Court: What would this—

Mr. Steedle: The charges say these things were occurring twice a week for three years.

The Court: Well, how are you going to tell? Is there some sort of a meter that would indicate how many times a week this thing you are talking about occurs? I don't know.

Mr. Steedle: All I know is that the Child Welfare Services received a complaint someone was mistreating this girl. They went down and interviewed the girls, and they asked the father—they gave the father a report to take her to a doctor and have the doctor examine this girl.

The Court: Is this the doctor?

Mr. Steedle: That is the doctor. He went to—and we got a statement from the doctor. [8] We took the form over to him, and this was a Child Welfare Services form, by the way, Your Honor.

The Court: Yeah.

Mr. Steedle: And it was done on behalf of Child Welfare Services.

The Court: That is your allegation. I mean, I don't know.

Miss Muller: Your Honor, both records—one record on the child, and the other is on the family. Both records

Appendix H—Pretrial Hearing on [Respondent's] Motion for Sanctions, Dated October 23, 1979.

indicate the case was referred to Children and Youth Services June 22, 1979. It shows no prior activity with Children and Youth Services.

The Court: That is the answer. They don't have anything.

Mr. Steedle: I know there is, Your Honor.

The Court: Counsel, I'm not interested in what you know because I am only interested in the record isn't here. There are no records, they tell us.

Mr. Steedle: For the record, we are going to be testifying to that.

The Court: What do you mean, "we are going to be testifying"?

[9] Mr. Steedle: That the Child Welfare Services had a person down there and take the child over—

The Court: You mean you got somebody to testify to that?

Mr. Steedle: The father.

The Court: Is the father the defendant in this case?

Mr. Steedle: Yes.

The Court: All right. So I don't care what he testifies to.

Mr. Steedle: But we'd like to have the record on the—

The Court: Look, counsel. Don't get yourself emotionally involved. You are in the same role that the Court is. I don't know a damned thing about this case. I didn't send for it. It rolled off of the list and it is here. Now I want everybody that comes into this courtroom to get a fair trial, and they are going to. But I mean I have an old habit that I have difficulty getting rid of. That is the habit of letting someone else run my courtroom when I'm sitting here with the responsibility.

Appendix H—Pretrial Hearing on [Respondent's] Motion for Sanctions, Dated October 23, 1979.

[10] Mr. Steedle: I'm not attempting—I'm trying to make a point.

The Court: These good people are here. This is a public agency. Their records are here. Now they say they have no record, then that is all there is to it.

Mr. Steedle: The other thing is this. Whether or not their records would disclose witnesses that are not known to this defendant.

The Court: What kind of witnesses?

Mr. Steedle: I don't know. Could be lots of witnesses.

The Court: I don't know what you are asking for.

Mr. Steedle: There could be defense witnesses disclosed by their records here. There could be matters in there that would be favorable to the defendant.

The Court: Well, there could be anything. It could be in a telephone book, correspondence in Carnegie museum.

Mr. Steedle: I think that we are entitled—

The Court: No, you are not entitled because you are not making specific allegations [11] that can be verified or determined. I mean, to throw these Child Welfare records open to the public would make no sense at all.

Mr. Steedle: I am not the public, Your Honor. I have to represent—

The Court: If it comes out in the trial, it is the public. They have answered your question. They have no medical examination that you are referring to at the time you are talking about, no record of it. That is all there is to it. Let's get ready for trial.

Mr. Shenosko: Thank you, Your Honor.

The Court: Now will you remain—I mean maybe we better have it—

Mr. Steedle: Would you overrule this. I'm going to file it.

Appendix H—Pretrial Hearing on [Respondent's] Motion for Sanctions, Dated October 23, 1979.

The Court: You don't have to go down and file it. We will be ready to go on the case. We will allow you to file it. No question about that. Get Reabe in here. Will you make a—write up an order on here, after hearing on the above motion in chambers, the Court has the information given to the Court indicates there has been no medical records that have been kept [12] by the agency that would be of help to the defendant in this matter.

Mr. Shenosko: Thank you.

The Court: Then we will sign the order.

Mr. Truitt: I have one other pre-trial matter.

The Court: What is that?

Mr. Truitt: Did you have any other pre-trial motions to make?

Mr. Steedle: The only other thing is we have a stipulation of the birth certificate of Jeanette Bills will be entered in the record.

Mr. Truitt: We have a correct copy of a birth certificate. We don't have any problem with that. One thing I want to point out to the Court is that the information charges these acts happening various dates 1976, '77, '78, and specifically on June 11, 1979. The only date we will proffer precisely is June 11, 1979. We can prove incest happened on that day and will prove it happened many times beforehand, and the girl cannot specify which dates.

The Court: That is allowed under the law.

Mr. Truitt: What I would like to do right [13] now since the statute of limitations in this offense is two years and this was discovered in June, 1979, I should move to amend the information to reflect that the jury would only consider acts which happened from June, 1977, on.

The Court: Yeah. Well, that is appropriate.

Mr. Truitt: That has nothing to do with the proof.

Appendix H—Pretrial Hearing on [Respondent's] Motion for Sanctions, Dated October 23, 1979.

There is authority for showing when it all started, but I think the information should be limited to two years.

The Court: Yeah. All right. The motion is allowed.

Mr. Steedle: At this time I think that—well, I think I am a little premature on this, but I would like to have the Court consider dismissal of the incest charges in view of the agreement that we have that the birth certificate will be entered in the record. The statute calls that the birth certificate problem facing proof of the statement of the birth certificate and the father being charged here is not the father on the birth certificate.

The Court: The father is not the father [14] on the birth certificate.

Mr. Truitt: That will be one of the issues. The birth certificate which I have obtained from the Department of Vital Statistics shows the girl's name is Jeanette Bills. The defendant's name is George Ritchie.

Mr. Steedle: We also—

The Court: Just a minute.

Mr. Truitt: At the time the girl was born, the girl's mother was married to Thomas Bills. She wasn't living with him but was married to him. The girl's mother will appear in Court and will testify that George Ritchie is the father of the child and that she only reported the name Thomas Bills because she was told she was to record the man she was married to. The birth certificate, I have no problem with the defense using as evidence. The certificate is certainly evidence that can be offered.

Mr. Steedle: I don't think he is in a position to make who is the father of the child.

Mr. Truitt: The mother will testify George Ritchie is the father of the child.

Mr. Steedle: In view of the fact this [15] is prima facie—

*Appendix H—Pretrial Hearing on [Respondent's] Motion
for Sanctions, Dated October 23, 1979.*

The Court: This is back to what year?

Mr. Truitt: 1966.

The Court: When the child was born.

Mr. Truitt: Was born. And Thomas Bills will also appear and testify he had no access to the mother at the time necessary.

The Court: And now, October 23, 1979, after hearing in chambers, the Court having viewed the records of the Child Welfare Services, the Court finds that no medical records are being held by the Child Welfare Services that would be of benefit to the defendant in this case. Counsel for the Commonwealth, and the defendant, and a representative of the Child Welfare Services being present at this hearing.

Mr. Steedle: I don't think the Court has reviewed the records, Your Honor.

The Court: All right, that is it.

Mr. Steedle: Object to that order because the Court did not review the records.

The Court: We didn't read 50 pages or more of an extensive record. We have asked for the medical records. There were no medical records [16] that the Court reviewed, and that is what we were told. Yeah. All right.

Mr. Steedle: So this birth certificate business will be an issue for the jury to decide. We will have no trouble since that is the birth—that is the proper birth certificate.

Mr. Truitt: No problem with that.

The Court: All right.

(End of Judge's chambers proceedings.)

APPENDIX I
Motion for Sanction

**IN THE COURT OF COMMON PLEAS
OF ALLEGHENY COUNTY, PENNSYLVANIA
CRIMINAL DIVISION**

COMMONWEALTH OF PENNSYLVANIA,

vs.

GEORGE F. RITCHIE.

No.: CC 7903887A.

On October 16, 1979, Arlene Kosol, an adult, served a Subpoena upon the custodian of the records of Jeanette Bills, a/k/a, Jeanette Ritchie, to appear in Court at 9:00 A.M. on October 17, 1979 and to bring with her the records of the Child Welfare Services pertaining to the said Jeanette Bills, a/k/a Jeanette Ritchie.

At 8:45 A.M. on October 17, 1979, this attorney, Joseph A. Steedle, called on the offices of said Child Welfare Services to discuss the matter of the Subpoena. The personnel of said Child Welfare Services absolutely refused to discuss the matter of the Subpoena and refused to recognize the authority of the Subpoena. No person of the Child Welfare Services appeared before the Court with records or to contest the legitimacy of the Subpoena.

Appendix I—Motion for Sanction.

On October 18, 1979 a Subpoena was again served upon Child Welfare Services to produce their records as to Jeanette Bills, a/k/a, Jeanette Ritchie, before the Court, and answer this Motion.

It is essential and necessary for the preparation and defense of this case that counsel examine the records pertaining to Jeanette Bills, a/k/a, Jeanette Ritchie, at a reasonable time prior to trial.

WHEREFORE, it is moved that the Child Welfare Services produce the records immediately of the said Jeanette Bills, a/k/a, Jeanette Ritchie, for the inspection and reproduction by Joseph A. Steedle, counsel for the defendant, for the sole purpose of the trial of this case and that sanctions as may be determined by the Court be directed to Child Welfare Services.

JOSEPH A. STEEDLE
Joseph A. Steedle
Attorney for Defendant

APPENDIX J

Motion and Application for Discovery
IN THE COURT OF COMMON PLEAS
OF ALLEGHENY COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA,
vs.

GEORGE F. RITCHIE.

No.: CC 7903887A.

Pursuant to Rule 305 of the Pennsylvania Rule of Criminal Procedure, George F. Ritchie, by his attorney, Joseph A. Steedle, Esquire, makes his Motion and Application for Discovery as hereafter set forth. A good faith effort to discuss and secure the disclosures has taken place and proved unsuccessful.

1. Disclose to defendant's attorney all of the following requested items or information, material to the case, and when applicable to inspect and copy or photograph such items.

(a.) Any evidence favorable to the accused which is material either to guilt or to punishment, and which is within the possession or control of the attorney for the Commonwealth;

(b.) any written confession or inculpatory statement, or the substance of any oral confession or inculpatory

Appendix J—Motion and Application for Discovery.

statement, and the identity of the person to whom the confession or inculpatory statement was made, which is in the possession or control of the attorney for the Commonwealth;

(c.) the defendant's prior criminal record;

(d.) the circumstances and results of any identification of the defendant by voice, photograph, or in-person identification;

(e.) results or reports of scientific tests, expert opinions, and written or recorded reports of polygraph examinations or other physical or mental examinations of the defendant, which are within the possession or control of the attorney for the Commonwealth;

(f.) any tangible objects, including documents, photographs, fingerprints, or other tangible evidence;

(g.) results or reports of scientific tests, expert opinions, and written or recorded reports of polygraph examinations or other physical or mental examinations of Jeanette Biles.

(h.) The time and place of each offense for which the defendant is being tried.

2. Furnish the following:

(a.) the names and addresses of eyewitnesses;

(b.) all written or recorded statements, and substantially verbatim oral statements, of eyewitnesses the Commonwealth intends to call at trial.

3. Stipulate the admission of the birth certificate of Jeanette Biles setting forth the names of her parents.

JOSEPH A. STEEDLE
Joseph A. Steedle
Attorney for Defendant

Appendix J—Motion and Application for Discovery.

And now Oct 9, 1979 Motion for Pre-Trial Discovery heard in open court.

Eo die District Attorney (illegible) provided defense with all relevant information (illegible) on in this motion.

Eo die District Attorney is ordered to provide defense with any medical records he has in his possession.

BY THE COURT

POPOVICH, J.

Gary Truitt ADA

Joseph Steedle Def.

Janet Britlin Rep.

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APPENDIX K

Information

IN THE COURT OF COMMON PLEAS
COUNTY OF ALLEGHENY
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA,
vs.

GEORGE F. RITCHIE.

Criminal Action No.: CC 7903887A.

The District Attorney of Allegheny County by this information charges that on (or about) divers dates in 1976, 1977, 1978 and ending on June 11, 1979, in the said County of Allegheny GEORGE F. RITCHIE, hereinafter called actor, did commit the crime or crimes indicated herein; that is:

31210A Count 1 RAPE Felony 1

The actor engaged in sexual intercourse with Jeanette Bills Ritchie not his spouse, by forcible compulsion, or threat of forcible compulsion, in violation of Section 3121(1) of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. Section 3121(1).

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Appendix K—Information.

31230A Count 2 INVOLUNTARY DEVIATE Felony 1
SEXUAL INTERCOURSE

The actor engaged in deviate sexual intercourse per os or per anus with Jeanette Bills Ritchie, a child below the age of sixteen, not his spouse, by forcible compulsion in violation of Section 3123(1) of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. Section 3123(1).

43020R Count 3 INCEST Misdemeanor 1

The actor knowingly had sexual intercourse with another, namely, Jeanette Bills Ritchie, a descendant, in violation of Section 4302 of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. §4302.

63010A Count 4 CORRUPTION Misdemeanor 1
OF MINORS

The actor, being 18 years of age and upwards, corrupted or tended to corrupt the morals of Jeanette Bills Ritchie a child under the age of 18 years, by the act of engaging in sexual relations, including oral intercourse, with the said child over a period of several years while the child was in the care of the defendant, in violation of Section 6301 of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. Section 6301.

All of which is against the Act of Assembly and the peace and dignity of the Commonwealth of Pennsylvania.

ROBERT E. COLVILLE
By C. G. COPETAS
Attorney for the Commonwealth